

# **What about the children?**

## **A UNISON report on social work reform in England**

### **Executive summary**

In this major new survey by UNISON, social workers in England have overwhelmingly rejected the government's plans to reform the profession and have highlighted major concerns about child safety.

The government is proposing major reforms through its controversial Children and Social Work Bill that will have significant ramifications for both children's and adult social workers. However, just one in a hundred (1%) of social workers believe that the proposals address the main concerns that they are facing.

The survey of 2,858 social workers was open from the 17th of August until the 9th of September 2016. It revealed that over two thirds of respondents believe the government's proposal to allow local authorities to exempt themselves from children's social care legislation, if they establish social work trusts, will lead to more children being placed at risk. It also put forward plans for social workers to be directly regulated by the government, a move which is rejected by nine in ten (90%) of social workers.

The survey results make clear social workers' dissatisfaction with the government's plans to attempt to introduce radical and untested reforms to children's social work services. The government has proposed these ideas without any proper consultation or dialogue with the social work sector on how to deal meaningfully with the deep-rooted problems afflicting social work services. These include the chronic lack of resources for social work services and increasingly high caseload levels for social workers.

## The danger to children

One of the key aims of the Bill, which was introduced to Parliament earlier this year, is to give local authorities the powers to “test new ways of working” by granting them exemptions from various statutory duties, including sections of the Children Act 1989. The proposals involve redefining child’s rights to potentially remove certain safeguards and local authorities’ support duties.

The legislation local authorities can be exempted from is:

- Any legislation specified in Schedule 1 to the Local Authority Social Services Act 1970 so far as relating to those under the age of 18
- Sections 23C to 24D of the Children Act 1989
- The Children Act 2004
- Any subordinate legislation to the above.

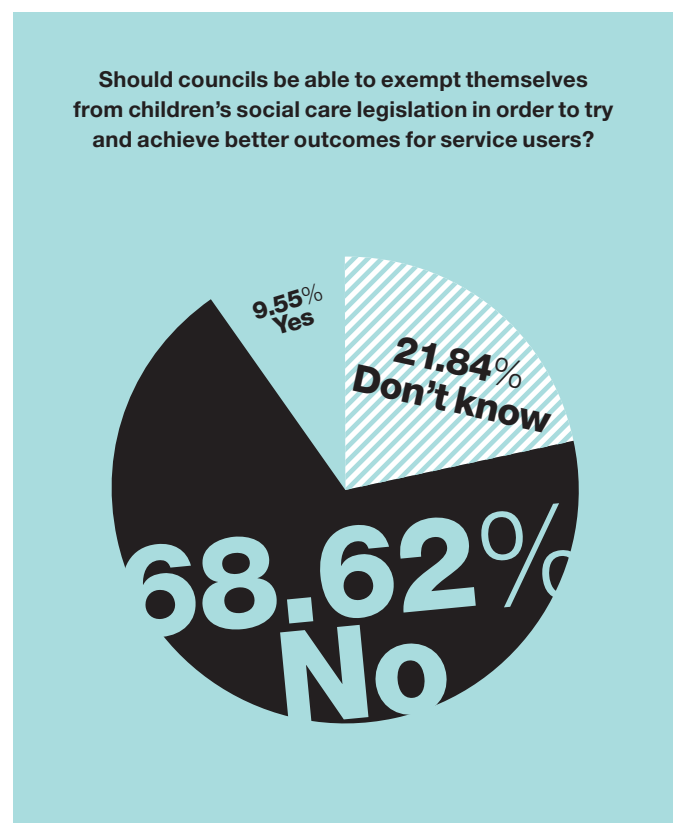
This means that local authorities could request exemptions from fundamental child protection legislation, which would lead to a dilution of long-held children’s legal rights. This could remove all current children’s social care rights and replace them with weakened ones, with potentially dangerous consequences. Children’s charity Article 39 provided a list of some of the legal duties currently in place that could be affected by the government’s proposals.

- The duty to investigate when a child is suffering, or is likely to suffer, significant harm with the purpose of deciding whether action should be taken to safeguard or promote the child’s welfare (s47, Children Act 1989)
- The duty to safeguard and promote the welfare of children in need, and to promote their upbringing with their families (s17, Children Act 1989)
- The duty to provide accommodation to children in need (s20, Children Act 1989)
- The duty to ascertain and give due consideration to the child’s wishes and feelings when they are being assessed as a child in need, they are accommodated or looked after by the local authority, and when they are subject to a child protection enquiry (s17(4A), s20(6), s22(4) and s47(5A), Children Act 1989)

It is clear that, if local authority children’s social work services no longer have to meet these requirements

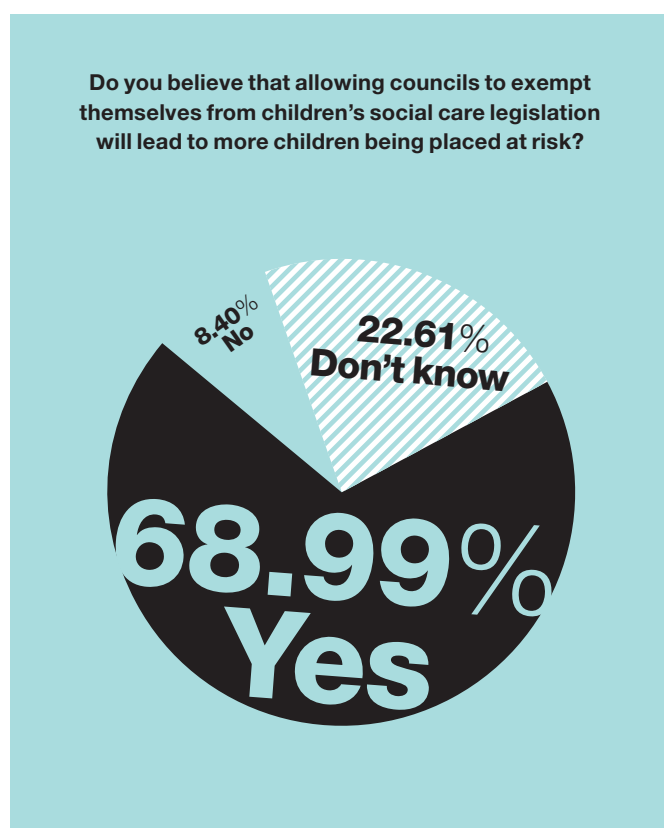
- particularly in an era of continued budget cuts - that children will be at risk of harm. It could also mean that there could be a postcode lottery with regards to local authorities’ duties towards vulnerable children in their area. Neighbouring local authorities could potentially have significantly different thresholds for when they would provide accommodation for children in need for instance.

Unsurprisingly this move has attracted a great degree of criticism from children’s charities and social worker representative bodies, like the British Association of Social Workers and the Association of Professors of Social Work. Children’s charity Article 39 has said that the move “introduces an unprecedented threat to hundreds of social care requirements that have developed over decades”. According to UNISON’s survey results, just one in ten (10%) of social workers think local authorities should be able to exempt themselves from children’s social care legislation, which the government believes will allow for social workers to achieve better outcomes for service users. More than two-thirds of social workers oppose the move.



## 4 Social work reform in England

Worryingly, over two thirds (69%) of social workers in our survey also believe that allowing local authorities to exempt themselves from children's social care legislation will lead to more children being placed at risk. Less than one in ten (8%) of social workers believe that it won't lead to more children being placed at risk.



**“The main reason local authorities are failing is due to lack of resources for staffing. The legislation is not the big problem.”**

UNISON received over 1,000 powerful and heartfelt additional comments from social workers, articulating exactly how these steps would lead to more children being placed at risk. The key themes that emerged were fears of a postcode lottery, with a child's safety dependent on where they happened to live, and a lack of resources which would place more children at risk of falling through the net. Social workers were also worried about the lack of accountability to local people if a local authority no longer directly provided children's services. We cannot replicate them all here, but the following few quotes are representative of the feedback received and

give a real feel for what social workers think about the government's proposals:

“The protection of children needs clear and well structured legislation that all social workers should follow. Protecting children is a national concern and all children should be given the same protection. It would become even more of a lottery and good practice would become fragmented.”

“There are insufficient resources to provide an adequate service. Without having to meet statutory responsibilities councils may be under more pressure to cut services further or to contract them out to private organisations. This will not keep children safe. What will keep them safe is continued investment in quality services.”

“Statutory interventions for children experiencing, or at risk of, significant harm are the local authority's duty. Without the legal duty to intervene in these most complex families, local authorities will not make interventions they need to in an era of budget cuts.”

“The main reason local authorities are failing is due to lack of resources for staffing. The legislation is not the big problem.”

“Not undertaking some statutory duties would result in more children suffering abuse as the system is already at breaking point. Any reduction in intervention or investigations would lead to abuse either being not reported or undetected and could result in children remaining in harmful situations.”

It is clear from the comments received by frontline social workers that many of them believe that allowing children's social work services to be exempt from various statutory duties is potentially extremely dangerous for children because it could lead to them missing out on receiving much needed intervention, help and support.

**“As a profession I feel we are woefully and inadequately represented at a strategic and national level. The profession is edging closer to breaking point due to cuts to services and lack of leadership and I do not feel this is recognised at all”**

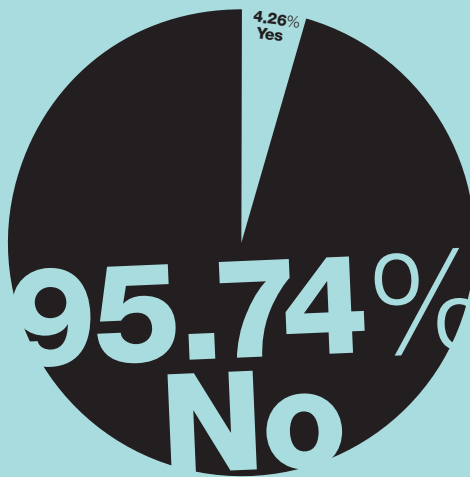
### Fears of privatisation

Plans by the government to allow the creation of social work trusts, exempt from various statutory duties and that can be run outside of local authority control, are seen by many as laying the groundwork for private companies to take over social services. The government has shown itself to have a clear ideological preference towards private companies delivering public services, as illustrated by the increased role of private companies within local government and the NHS. The removal of various statutory duties would undoubtedly make social work a more attractive proposition for private companies. The Bill itself makes it possible for any local authority social work service to be contracted out to the private sector.

functions to profit-making organisations.” However, in a sign of the complete lack of faith that social workers have towards the government’s intentions, just one percent in UNISON’s survey trust the government not to privatise social work functions.

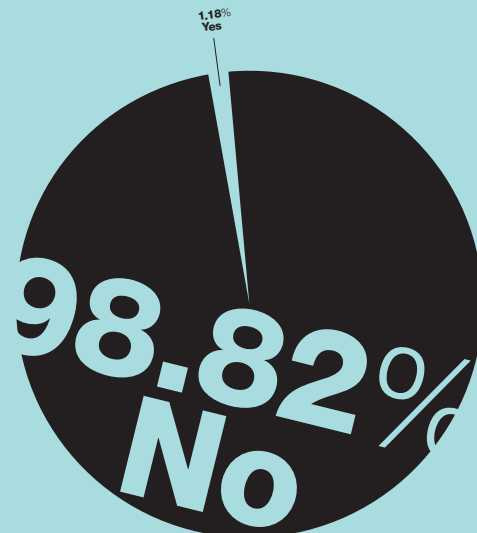
**“Statutory interventions for children experiencing, or at risk of, significant harm are the local authority’s duty. Without the legal duty to intervene in these most complex families, local authorities will not make interventions they need to in an era of budget cuts.”**

**Should private companies be allowed to take over the running of social work functions from local councils?**



Social workers overwhelmingly reject this direction of travel. In UNISON’s survey, nearly all (96%) of social workers said private companies should not be allowed to take over the running of social work functions from local authorities. The government has insisted that this is not the purpose of the reforms, with the former minister Edward Timpson saying: “There is absolutely no intention of allowing the delegation of child protection

**Do you trust the government not to privatise social work functions?**



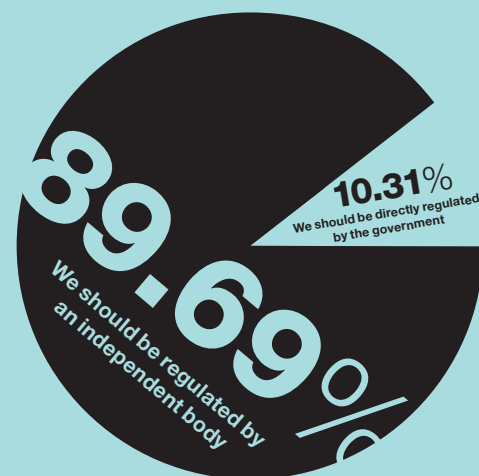
The privatisation of services will create more risks as services become profit-driven rather than focusing on the provision of good and effective services for children and families. Given the continued cuts to funding it would put pressure on local authorities to choose the cheapest offer when tendering out services. This increases the risk of corners being cut and a substandard service being offered to children and families.

## Regulation of social work

The Bill also initially proposed that social workers should be regulated directly by the government rather than the independent Health and Care Professions Council (HCPC) as is currently the case. This would have set social workers apart from other health and social care professionals, such as doctors, nurses and occupational therapists who are all regulated by bodies independent of government. Regulation of social work is carried out to set standards that reflect fundamental good practice. UNISON, and other organisations like the British Association of Social Workers, believe that it is vitally important that social workers are independently regulated to ensure that these standards are not set by different governments on a short term basis. The Government has very recently signalled that it is abandoning plans to directly regulate social workers, however questions remain about the make-up and functions of the new regulator.

The government's proposal for replacing the HCPC with a bespoke regulatory system would also be costly. When the government closed down the previous regulator for social workers (the General Social Care Council) and transferred regulatory responsibilities to the HCPC, it cost over £18m. The set up costs for a new regulator are likely to be similar, at a time when local authorities continue to suffer significant cuts to funding levels.

**The government wants to establish a new regulatory body for social workers. Do you think that social workers should be regulated by an independent body, like the Health and Care Professions Council, or be regulated directly by the government?**



Ninety percent of social workers believe they should continue to be regulated by an independent body. Plans to place social workers under direct political control risked them suffering from the kind of short-term and ill-considered political reactions which have blighted many governments relationship to social work over the years. Both the Local Government Association and Association of Directors of Children's Services opposed any move for the profession to be regulated directly by the Secretary of State. Therefore it is important that any new regulator is genuinely independent from government.

## 8 Social work reform in England

The plans for the creation of a new body raise the risk that social workers will face increases in regulation fees in future to support an expensive new regulatory system. The HCPC might also be forced to raise its fees for the remaining professionals they regulate, like paramedics and physiotherapists, in order to make up for the absence of social workers. Four in five social workers in UNISON's survey would not be prepared to accept any increase in registration fees over the next few years if a new regulatory body for social workers were to be established.



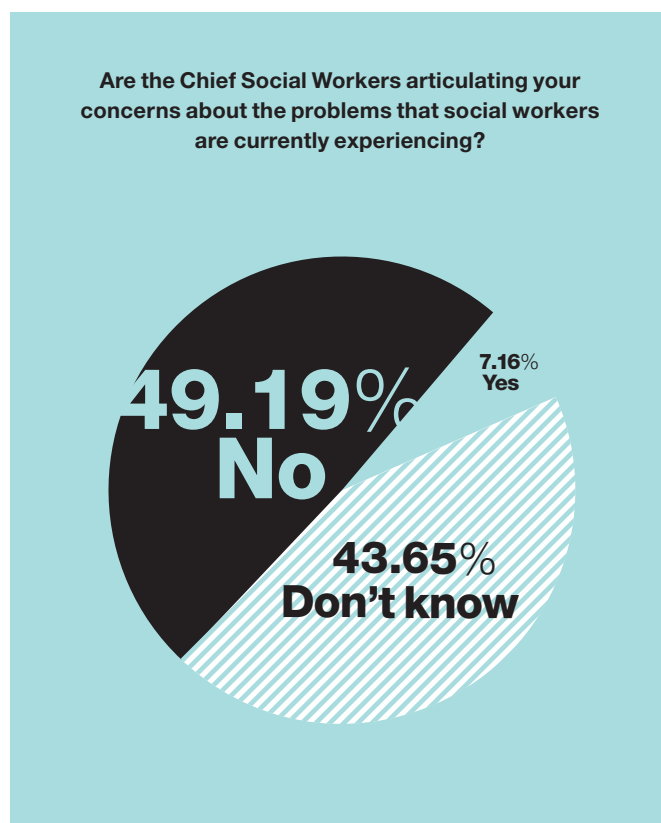


## Chief Social Workers

There are two chief social workers in England for adults and for children. Part of their remit is to provide leadership and work with key leaders in the profession and the wider sector to drive forward the improvement and reform programme for social work. They are also meant to provide leadership to the network of principal social workers to improve practice and influence national policy making and delivery. However, the survey results clearly show that they do not command the support of the frontline workforce.

The survey results show the stark disconnect between front-line social workers and the government regarding their visions for the future of social work.

Less than one in ten (7%) of social workers believe that chief social workers are articulating their concerns about the problems that they are currently experiencing, such as increasingly high caseloads and a lack of resources.



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“The chief social workers in my view do not represent social workers views openly and honestly. They are too removed from the shop floor. They are protective of their job and will toe the party line rather than speaking up for social workers. If they had been speaking up for social workers then the government would be addressing the real issues we face such as high workloads, poor working conditions, cut backs to services and resources that affect all the work we do with the most vulnerable people in our society.”

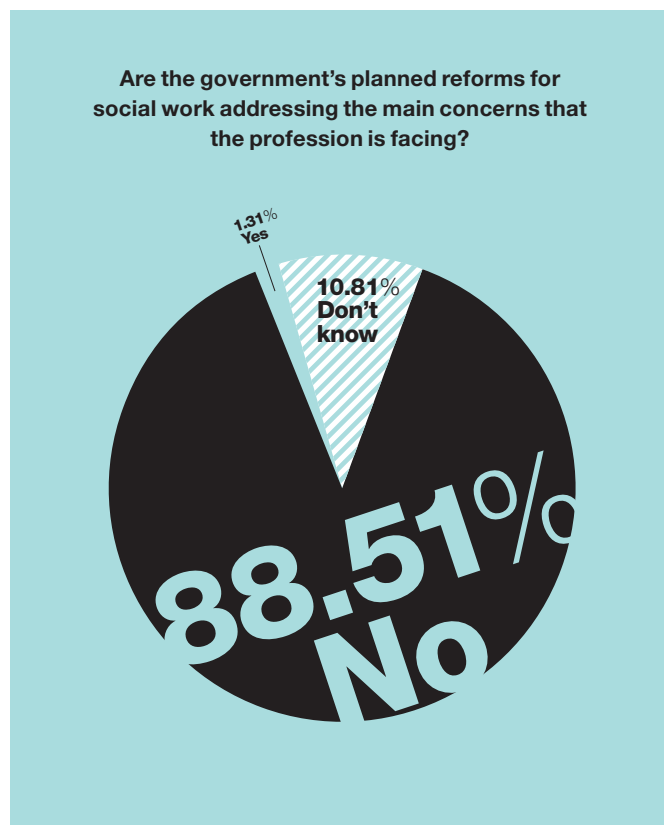
“For many years the social work profession has been used as scapegoat by government and the media. As a profession we are more apt at advocating on behalf of our clients and less able to assert ourselves as legitimate and confident professionals hence sweeping and ill-thought through policies and regulations are often forced upon us and the people we commit to support. Those (chief social workers) that are placed to bridge the gap between practice and driving policies appear ineffective in achieving meaningful change on a strategic level. The voices of practicing social workers, much like their service users, are regularly ignored by those in position of power who care more about their public perception than working collaboratively with the social work profession to reduce inequality.”

**“I believe that the chief social workers are being led from the top down not bottom up”**

“I feel that the chief social workers are very on board with what the government want to do. They are meant to speak for us as a profession but they seem to be acting as government mouthpieces.”

### The future priorities for social work

Just 1% of social workers believe the government's planned reforms for social work address the main concerns that the profession is facing.

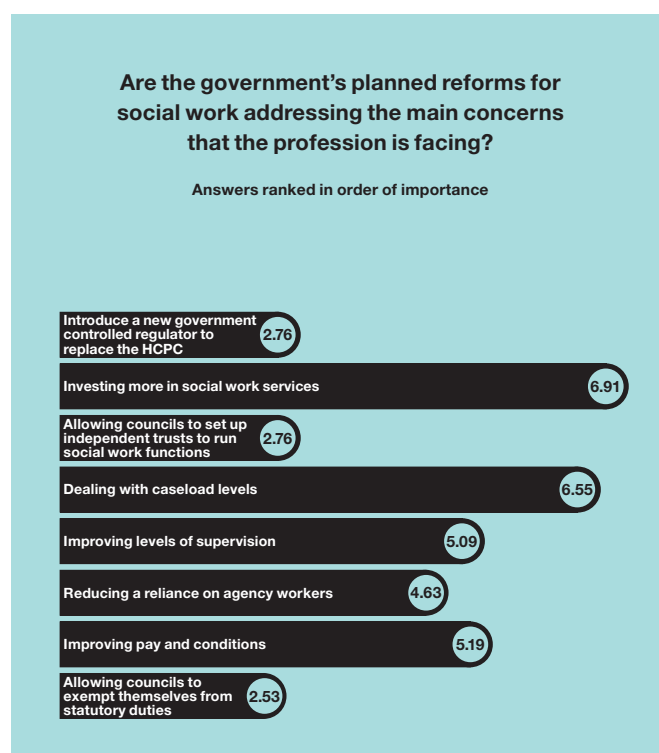


Social workers responding to our survey were asked to rank what they believe should be the government's priorities for dealing with their key problems. As the graphic below shows, the government's main priorities are completely out of sync with the wishes of the workforce. Social workers believe the government's two main priorities should be investing more in social work services and dealing with caseload levels. Unfortunately, the government's reforms offer nothing to deal with these fundamental issues. Local authorities face yet more budget cuts. This means that there will be less money to spend on social work services at a time when more local people are likely to need them. Just as resources are drying up, the demand for social work has never been higher.

UNISON's Austerity Audit report, published in 2015, detailed the increase in demand on these services.

According to the Association of Directors of Children's Services in England, 2.3m initial contacts were made to children's social services in 2013/14 and the rate of initial contacts per 10,000 population had risen from 1,835 in 2010/11 to 2,021 in 2013/14, an increase of more than 10%. There were 68,840 looked after children in March 2014, an increase of 4,370 since March 2010. Despite this growing demand for support and the important role of social care staff in safeguarding children, spending on children's social care staffing has been cut by £147m, which has put a huge strain on staff and the level of support they can provide.

Meanwhile, as demand for children's social services is rising, vacancy rates amongst children's social workers at local authorities in England have been increasing. The Department for Education's official statistics reported that in 2013 there were 3,610 FTE (full time equivalent) job vacancies for children social workers in England, whilst in 2015 they reported that there were 5,470 FTE job vacancies.



Social work professionals rate the government's flagship proposal to allow local authorities to exempt themselves from statutory duties as being the least important priority for the profession. The government's other main plans

- allowing local authorities to set up independent trusts to run social work functions and introducing a new government-controlled regulator - are also ranked by social workers as being similarly unimportant as priorities.

The overwhelming and wholesale rejection of the government's agenda by social workers should encourage Ministers to abandon significant elements of this controversial and dangerous Bill. Instead they should seek to engage meaningfully with the workforce and their representatives and local authorities and come up with a plan that will deal with the deep-rooted and fundamental challenges facing social work, including the lack of resources at a time of increasing demand.

This message was echoed in a recent report by the Education Select Committee that launched a scathing attack on the government's reforms in the summer. The Chairman of the Conservative dominated committee, Neil Carmichael, said; "Interventions for poorly performing children's services should focus less on unnecessary structural change and more on giving local authorities appropriate support."

"The government's new reforms do not focus enough on tackling the endemic retention problems in children and families' social work, and ministers must now make it a priority to fix this issue."

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## Conclusion

The message from social workers to the government is clear: the costly proposals for social work reform put children at risk. They are unnecessary and misguided, and they ignore the real challenges faced by social services departments and social workers.

Creating social work trusts which are exempt from some safeguards and duties will put children at greater risk, and it will lead to creeping privatisation of social work, with profit being put before the well-being of children.

Social workers themselves have little confidence in the government's ability to protect children or the social work services they rely on. The government is squandering an opportunity to make genuine improvements to vulnerable children and social work services by failing to engage and listen to the profession.

UNISON is calling on the government to:

- Abandon the dangerous and controversial elements of the Bill which allow local authorities to exempt themselves from important statutory duties towards children
- Agree to meet with a range of frontline social workers and their representative bodies to properly discuss how the challenges facing social work can be overcome.
- Listen to the views of looked-after children, their families and supporters to learn about their experience of social services and related support.
- Invest more resources into supporting social work services across England.
- Ensure that social workers continue to be regulated independently.

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